

Minutes of the  
South Dakota State Emergency Response Commission Meeting  
George S. Mickelson Building  
Division of Criminal Investigation Commission Room  
1302 East Highway 14  
Pierre, South Dakota

April 28, 2008  
1:00 p.m.

CALL TO ORDER AND ROLL CALL: Chairman Robert McGrath called the meeting to order. A quorum was present.

COMMISSION MEMBERS PRESENT: Robert McGrath, Al Christie, Kristi Turman, Joe Nadenicek, Andrew Canham, Jerry Johnson, and John Forman.

COMMISSION MEMBERS ABSENT: Mike Carter, Barb Telkamp, and Lisa Simpson.

OTHERS PRESENT: See attached attendance sheet.

INTRODUCTIONS: Those in attendance introduced themselves.

APPROVAL OF MINUTES FROM JANUARY 28, 2008, MEETING: Motion by Nadenicek, seconded by Turman, to approve the minutes from the January 28, 2008, South Dakota State Emergency Response Commission meeting. Motion carried.

TIER II FORM SUBMITTAL UPDATE: Trish Kindt reported that the Tier II forms were due by March 1, 2008, and Tier II fees were due by April 1, 2008. To date, the department has received 1,545 forms and most of the fee payments for those facilities. To date, \$81,350 in Tier II fees has been collected.

APPROVAL OF LEPC ROSTERS: Ms. Kindt reported that the following LEPCs submitted rosters: Aurora, Beadle, Bon Homme, Brookings, Brown, Brule-Buffalo, Butte, Central SD, Charles Mix, Clark, Clay, Codington, Custer, Davison, Day, Deuel, Douglas, Edmunds, Fall River, Faulk, Grant, Gregory, Haakon, Hamlin, Hand, Hanson, Harding, Hutchinson, Hyde, Jackson, Jones, Kingsbury, Lake, Lawrence, Lincoln, Lyman, Marshall, McCook, McPherson, Meade, Mellette, Miner, Minnehaha, Moody, Pennington, Perkins, Potter, Spink, Tripp, Turner, Union, War Hawk, and Yankton. Ms. Kindt noted that most of the LEPCs do a good job of meeting membership requirements.

Some of the LEPCs need to add members to their rosters. Ms. Kindt will work with the following LEPCs to add members: Charles Mix, Clark, Deuel, Gregory, Hand, Hanson, Jackson, McCook, Meade, and Potter. Ms. Kindt noted that in most situations the LEPCs cannot find a person from a certain sector that is willing to attend the meetings.

Ms. Kindt recommended the SERC approve the rosters for the above-listed LEPCs.

Motion by Nadenicek, seconded by Forman, to approve the rosters for the LEPCs listed above. Motion carried.

Motion by Nadenicek, seconded by Christie, that Chairman McGrath send a letter appointing the County Commission, State's Attorney, Emergency Manager, and County Sheriff to serve as the LEPC for the counties that have not submitted rosters, unless they submit rosters before the next SERC meeting. The appointment is effective until such time as a roster has been submitted and accepted by the SERC. Motion carried.

TOXIC RELEASE INVENTORY (TRI) REPORTS: Ms. Kindt reported that certain facilities are required to submit TRI reports to the state and to EPA on a yearly basis. The facilities are required to report if they have 10 or more full-time employees, if they manufacture, process or otherwise use a sufficient quantity of reportable chemical, and if they are a certain sector of industry, for example, a factory, an ethanol plant, certain animal feed manufacturers, etc.

TRI reports for the year 2007 are due by July 1, 2008, and TRI fees are due by August 1, 2008. Ms. Kindt noted that she has received TRI reports from two facilities so far this year, and she expects to receive reports from about 100 facilities. Last year 97 facilities submitted TRI reports and about \$82,600 in fees was received.

STATUS OF ON-LINE TIER II SUBMITTAL SOFTWARE: Ms. Kindt stated that the department recently hired a person to help with the on-line submittal software, but this week the person who maintained the department's databases resigned. So if the software is made available on the internet and anything goes wrong with the databases, the software won't work.

Ms. Kindt noted that the reason the department hasn't bought commercially available software is because it is very expensive. If the software is purchased, LEPC grant funds would have to be used to pay for it, which means that no LEPC grants would be available for at least a year.

Ms. Kindt will keep the SERC updated on this matter.

UPDATE ON SB 190: Joe Nadenicek reported that SB 190 is a bill that would impose a fee on certain pipelines carrying crude oil and to create a crude oil pipeline compensation fund that may be used in the event of a crude oil spill. The Senate amended version of the bill provided that a pipeline of this nature submit, for review, a response plan and they would update the response plan every five years. The pipeline would have to report any discharge of their product in excess of five gallons within 30 days. The bill also required that the state go through a process of accessing the adequacy of state statutes regarding pipeline safety, pipeline spills, pipeline cleanups, etc. Initially, that duty was assigned to the Department of Tourism and Regulation, but in the final bill the duty was assigned to the Department of Environment and Natural Resources.

CERCLA GRANT SUMMARY: Bob Van Winsen reported that a \$20,000 grant was received for hazardous material-related training and planning. To date, \$1,020 has been used to send Bob McDonald, DENR, to the Regional Response Team meeting in Denver, and \$3,634 was allocated to Jones County to complete their hazardous materials plan. Mr. Van Winsen noted that \$15,346 remains and will need to be used by September 30, 2008.

HMEP TRAINING AND PLANNING REPORT: Mr. Van Winsen provided a report on the HMEP training and planning grant activities.

REGIONAL HAZMAT TEAM UPDATE: Doug Hinkle stated that the regional hazmat teams were supposed to be working on a statewide MOU, but the Office of Emergency Management has not been given of any MOUs.

Chairman McGrath requested that this topic be placed on the next SERC agenda.

OTHER BUSINESS: The next meeting is July 28, 2008 at 1:00 p.m. CDT. The meeting will be held via the DDN at sites in Pierre, Rapid City, Madison, and Brookings.

Joe Nadenicek requested that the Department of Health be asked to give a presentation to the SERC on the statewide trauma system.

Kristi Turman offered to provide an update on the new legislation regarding South Dakota's 911 system.

Doug Hinkle gave the SERC a tour of the George S. Mickelson Building.

ADJOURN: Chairman McGrath declared the meeting adjourned.

Robert B. McGrath 7/28/08  
Chairman Date

Barbara Telkamp 7-28-08  
Witness Date

DENR